

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA  
Plaintiff,

Criminal No. 15-602-1

vs.

DAVID M. DUNHAM, JR.,  
Defendant,

and

FIDELITY INVESTMENTS INSTITUTIONAL OPERATIONS COMPANY,  
Garnishee

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**RESPONSE TO ORDER OF FORFEITURE**

1. Tawanna R. Franklin, being duly deposed says as follows:
2. I am an employee of Fidelity Investments, and my official title is Senior Manager, Compliance.
3. The following Response to Order of Forfeiture is provided in lieu of the form answer provided by the Plaintiff.
4. Please note that Fidelity Investments is a trade name for a group of separate but affiliated companies. Fidelity Workplace Services LLC ("Fidelity") provides administrative recordkeeping services for the Publicis Benefits Connection 401(k) Plan ("the Plan") which is subject to both the provisions of the Internal Revenue Code of 1986, as amended ("Code") and the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). These services are provided in accordance with the terms of the Plan documents and are based on administrative procedures that have been established at the direction of the Plan sponsor, Publicis.
5. On or about May 13, 2024, Fidelity received an Order of Forfeiture.
6. This Response to Order of Forfeiture is provided at the direction of the Plan sponsor, Publicis.
7. The defendant, David Denham, is a Terminated participant in the Plan.
8. Fidelity has received no previous garnishments or property orders relative to the Defendant.

9. Fidelity is the administrative record keeper for the Publicis Benefits Connection 401(k) Plan in which the Defendant has an account balance of \$10,348.98, as of May 16, 2024. Fidelity states that the value of these accounts may fluctuate with changing market conditions.
10. Fidelity has been directed by the Plan sponsor, Publicis, to place a restriction from any distributions on the Defendant's Plan accounts.
11. Please note that the taxable portion of any Plan distribution issued as a result of an Order to Pay or Order to Turnover from the abovementioned case is subject to 20% mandatory federal income tax withholding under Internal Revenue Code Section 3405(c), any mandatory state income withholding, and 18 U.S.C. § 3613(c), if applicable.
12. Fidelity mailed a copy of this Answer by first-class mail on May 20, 2024, to (1) the Defendant, judgment-debtor, David Dunham, 395 W Macada Rd, Bethlehem, PA 18017; (2) the attorney for the United States, Amy Erskine, 615 Chestnut Street, Philadelphia, PA 19106; and (3) the Clerk of court, 2609 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106.

Tawanna R. Franklin

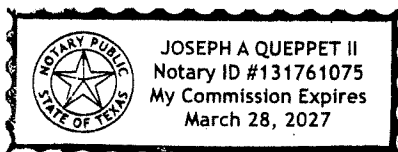
Tawanna R. Franklin  
Senior Manager, Compliance

STATE OF TEXAS

On this day of May 23, 2024, before me, the undersigned notary public, personally appeared Tawanna R. Franklin, proved to me through satisfactory evidence of identification, which were a passport, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose.

In Witness Whereof, I hereunto set my hand and official seal.

Joseph A. Queppet II  
Notary Public





May 23, 2024

United States District Court  
Attn: Clerk  
2609 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Re: U.S. v. David M. Dunham, Jr.  
Criminal No.: 15-602-1

Dear Sir/Madam:

Enclosed herewith please find the Response to Order of Forfeiture.

This response is written on behalf of Fidelity Workplace Services LLC ("Fidelity") who provides administrative recordkeeping services for the Publicis Benefits Connection 401(k) Plan ("the Plan") which is subject to both the provisions of the Internal Revenue Code of 1986, as amended ("Code") and the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). These services are provided in accordance with the terms of the Plan documents and are based on administrative procedures that have been established at the direction of the Plan sponsor, Publicis.

Please contact me should you have any questions regarding this matter at [WHCGRregulatoryMatters@fmr.com](mailto:WHCGRregulatoryMatters@fmr.com).

Very truly yours,

A handwritten signature in black ink, appearing to read "Tawanna R. Franklin".

Tawanna R. Franklin  
Senior Manager, Compliance

Enclosures

cc: United States Attorney's Office  
David M. Dunham, Jr.



Workplace Investing

One Destiny Way WA2L  
Westlake, TX 76262

NORTH TEXAS TX P&DC  
DALLAS TX 750  
23 MAY 2024 PM 6 L



2609 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

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BY: \_\_\_\_\_

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